

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 04, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHAEL G.,¹

Plaintiff,

v.

MARTIN O'MALLEY,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:24-CV-3074-MKD

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g) AND
CLOSING FILE

ECF Nos. 8, 9, 15

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 15, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Special Assistant United States Attorney Katherine S. Bowles represents Defendant.

After consideration, **IT IS HEREBY ORDERED** that:

¹ To protect the privacy of plaintiffs in Social Security cases, the Court identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 1. The parties' Stipulated Motion for Remand, **ECF No. 15**, is **GRANTED**.

2 2. The above-captioned case be **REVERSED** and **REMANDED** to the
3 Commissioner of Social Security for further administrative proceeding pursuant to
4 sentence four of 42 U.S.C. § 405(g).

5 The parties have stipulated to the following:

6 On remand, the Appeals Council will instruct the ALJ to:

- 7 • Further evaluate the nature, severity and limiting effects of Plaintiff's
8 mental and physical health impairments during the period at issue;
- 9 • Reevaluate Plaintiff's alleged symptoms pursuant to Social Security
10 Ruling 16-3p;
- 11 • Give further consideration to Plaintiff's RFC;
- 12 • Continue with the sequential evaluation process, to include obtaining
13 • vocational expert testimony, as necessary;
- 14 • Offer Plaintiff the opportunity for a hearing, take further action to
15 complete the administrative record resolving the above issues, and
16 issue a new decision; and
- 17 • Consolidate Plaintiff's subsequently filed claim with the present
18 claim.

19 *See* ECF No. 15 at 2.

20 3. Judgment shall be entered for **PLAINTIFF**.

1 4. Plaintiff's Opening Brief, **ECF No. 8**, and Plaintiff's Motion to Remand
2 Under Sentence Six, **ECF No. 9**, are **STRICKEN AS MOOT**.

3 5. Upon proper presentation, the Court will consider Plaintiff's application
4 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

5 The District Court Executive is directed to enter this Order, **enter**
6 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

7 DATED September 4, 2024.

8 s/Mary K. Dimke
9 MARY K. DIMKE
10 UNITED STATES DISTRICT JUDGE
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